



04-02-07

IFW

Docket No.: 02008/105002  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Shinsaku Higashi et al.

Application No.: 10/814,603

Confirmation No.: 5472

Filed: March 31, 2004

Art Unit: 2123

For: TEST EMULATOR, TEST MODULE  
EMULATOR AND RECORD MEDIUM  
STORING PROGRAM THEREIN

Examiner: Not Yet Assigned

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed March 7, 2007, Applicant hereby provisionally elects claims Group I, claims 1 - 12 for continued examination. Additionally, Applicant respectfully traverses the rejection requirement with respect to the restriction between Group I and III on the grounds that there would exist no serious burden on the Examiner to examine both Groups I and III given the fact that they are classified in the same class and subclass. Applicant respectfully notes that there are two requirements for proper restriction, (A) the inventions must be independent or distinct as claimed; and (B) there would be a serious burden on the Examiner if restriction is not required. If the search and examination of claims in an application *can be made without serious burden, the Examiner must examine them on the merits*, even though they include claims to independent or distinct inventions. (See MPEP § 803.)(emphasis added.)

Therefore, because Groups I and III identified in the present application are both classified in class 703, subclass 23, there exists no serious burden on the Examiner to examine the claims of both Groups. Accordingly, Applicant respectfully requests consideration of Group I, claims 1 -12, which was provisionally elected, and Group III, claims 15-17, which claims can also be examined without serious burden on the Examiner.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0591, under Order No. 02008/105002 from which the undersigned is authorized to draw.

Dated: March 30, 2007

Respectfully submitted,

By 

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Application No. (if known): 10/814,603

Attorney Docket No.: 02008/105002

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Response to Restriction Requirement (without Traverse) (2 pages)  
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